

BOARD OF BARBERING AND COSMETOLOGY
FINAL STATEMENT OF REASONS

Hearing Date: January 4, 2007

Sections Affected: Section 911 of Article 2.5 and Section 998 of Article 13 of Division 4 of Title 16 of the California Code of Regulations.

Updated Information

The Initial Statement of Reasons is included in the file. No changes have been made which would warrant an update to the initial statement of reasons.

Local Mandate

A mandate is not imposed on local agencies or school districts.

Small Business Impact

This action will have no significant adverse economic impact on small businesses

Consideration of Alternatives

No reasonable alternative which was considered or that has otherwise been identified and brought to the attention of the board would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

Objections or Recommendations/Responses

Comments Received During the 45-day Comment period

The following objection was made regarding the proposed regulation:

(1) Jean Ogren, Electrologists Association of California.

Comment:

We have spoken at a couple of different meetings objecting to SB 1474. I believe the Board is charged with protecting consumers and this bill as written will put the public at risk for infections. Other states have lower standards than we do and lower hours of training for electrolysis. Electrolysis is an invasive procedure and electrologists coming from other states should be required to take a written exam showing that they know and understand California's sterilization procedures, and regulations. That's all were

basically asking for. We don't want to hold up the procedure for out of state licensees to come in. We do want the public and consumers to be protected from poor sterilization and possible infection.

Board Response:

The board rejects this comment. The board is directed by statute to issue a license to an individual via reciprocity if the applicant meets statute-defined criteria and eligibility. This leaves no room for the board to place additional restrictions such as taking an exam for someone attempting to obtain a license through reciprocity. The Board will not be making any changes to the proposed regulations.

The following comments were made regarding the proposed action:

(2) Joya Jones, Out of State licensee.

Comment:

I am writing in hopes you will amend the law in California, which exempt me from re-taking the practical exam in your state. I have currently passed all those exams in Texas and I have been licensed for two years. I have also taken extra hours at Vidal Sassoon, in addition to my 1500 that I have taken in Houston, TX. Please, help make my transition a pleasant one. Thank you in advance.

Board Response:

This recommendation was rejected because the comments are not directed at the proposed action.

(3) Fred Jones, Professional Beauty Federation of California.

Comment:

We have pushed since the formation of this organization to allow for licensure by endorsement of out of state licensees. It was mandated by a couple of sunset reviews that this issue be studied and acted upon. When the board did, they actually made the process of licensing out of state licensees more burdensome than the status quo. SB 1474 (Figueroa) took the process of licensing out of state licensees away from the board and SB 1474 was clear. It leaves no room for any extra requirements or reviews other than what is specified in SB 1474. I feel the board doesn't have a lot of choice in adopting this regulation.

I suggest that the proposed reciprocity-licensing fee for out of state licensees should be considerably higher, given that there is a new layer of review. I think an out of state applicant would be glad to pay \$100 to avoid the delay and stress of taking the California exam.

Board Response:

The board accepts the first comment. The board is directed by statute to issue a

license to an individual via reciprocity if the applicant meets statute-defined criteria and eligibility.

The board rejects the second comment regarding the fee increase. The board is limited to the fee increase by statute and is currently proposing the highest amount allowed by statute. A \$100 licensing fee would require legislative change to the statutes.

(4) Dayna Pattison, Cosmetologist, Instructor, School Director.

Comment:

Reciprocity should be granted only with the following essential stipulations.

1. Passing a written exam that includes California rules and regulations, health and safety, Cosmetology Act and items from the performance criteria.
2. Applicants must have completed the minimum California clock hours requirements (work experience of 3 full time months would still be equivalent to 100 clock hours.) All applicants must have the minimum amount of time, hours and training.

The huge concern here is that if we accept applicants from other states that have less clock hours, we run the risk that future students will go train out of state if training is less and cheaper. This would not only affect our economy as they live and work out of state, but it will seriously affect California beauty schools. We must ensure that all licensees have equal minimum time and training.

I believe the state board practical exam is unnecessary because all schools study and train from a standard Cosmetology text such as our state approved text by Milady. What should be tested is the specific differences; such as, our rules and sanitation requirements that differ greatly and are not in the standard texts. Our approved text for Cosmetology has been revised several times since the state written exam. We should consider testing only on California State board specifics and knowing that all the schools local or out of state are already teaching from the standard textbooks of which is redundant. Lets stick to what separates our state and demand minimum training for all that enter California. It is also time to revise a 15-20 year old state board exam!

Board Response:

The board rejects this comment. The board is directed by statute to issue a license to an individual via reciprocity if the applicant meets statute-defined criteria and eligibility. This leaves no room for the board to place additional restrictions such as taking an exam for someone attempting to obtain a license through reciprocity.